

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

STATE OF VERMONT,

Plaintiff,

v.

EXXON MOBIL CORPORATION,
EXXONMOBIL OIL CORPORATION, ROYAL
DUTCH SHELL PLC, SHELL OIL COMPANY,
SHELL OIL PRODUCTS COMPANY LLC,
MOTIVA ENTERPRISES LLC, SUNOCO LP,
SUNOCO LLC, ETC SUNOCO HOLDINGS LLC,
ENERGY TRANSFER (R&M) LLC, ENERGY
TRANSFER LP, and CITGO PETROLEUM
CORPORATION,

Defendants.

Case No. 2:21-cv-260-wks

Date: March 22, 2022

NOTICE

Defendants write to inform the Court of recent developments in a related case, *Connecticut v. Exxon Mobil Corp.*, No. 21-1446 (2d Cir.).¹

In *Connecticut*, the Second Circuit will decide whether a substantially similar action—asserted by an Attorney General against one of the Defendants here—was properly removed to federal court. Both the Plaintiff’s claims and the grounds for removal in *Connecticut* overlap with those asserted here. For instance, in both cases, the first ground for removal is that federal law necessarily governs claims that functionally seek to regulate interstate and international emissions, even when those claims are nominally pleaded under state consumer-protection laws.²

¹ This notice is submitted subject to and without waiver of any defense, affirmative defense, or objection, including personal jurisdiction, insufficient process, or insufficient service of process.

² See Defendants’ Memorandum of Law in Opposition to Plaintiff’s Motion to Remand, *Vermont v. Exxon Mobil Corp.*, No. 2:21-cv-260 (D. Vt. Feb. 18, 2022), ECF No. 51 at 48–49.

Oral argument in *Connecticut* has been set for the week of May 23, 2022, and the parties are available from May 23 through May 25 of that week. *See Connecticut*, Dkt. Nos. 131-132 (Mar. 7 & 10, 2022). Defendants will keep the Court apprised of further developments in the related *Connecticut* case.

DATED: March 22, 2022

Respectfully Submitted,

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